



APPLICATION ACCEPTED: June 25, 2014
BOARD OF ZONING APPEALS: December 3, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 26, 2014

STAFF REPORT

SPECIAL PERMIT AMENDMENT SPA 93-M-119-3

MASON DISTRICT

APPLICANT & OWNER: Trustees of Greek Orthodox Church of Northern Virginia, AKA Saint Katherine Greek Orthodox Church

LOCATION: 3149 Glen Carlyn Rd., Falls Church

ZONING: R-3

ZONING ORDINANCE PROVISION: 3-303; 8-301 (10)

TAX MAP: 61-2 ((1)) 16

LOT SIZE: 4.43 acres

FAR: 0.14

PLAN MAP: Residential 1-2 du/ac

SPA PROPOSAL: Group 3 - To amend SPA 93-M-119-02 previously approved for a church and nursery school to permit the addition of a private school of general education.

STAFF RECOMMENDATION: Staff recommends approval of SPA 93-M-119-03 subject to the Proposed Development Conditions contained in Appendix 1. of the staff report.

Staff recommends reaffirmation of a modification of the transitional screening and barrier requirements along all lot lines to permit existing vegetation as shown on the Special Permit Amendment Plat and as conditioned.

Casey V. Gresham

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

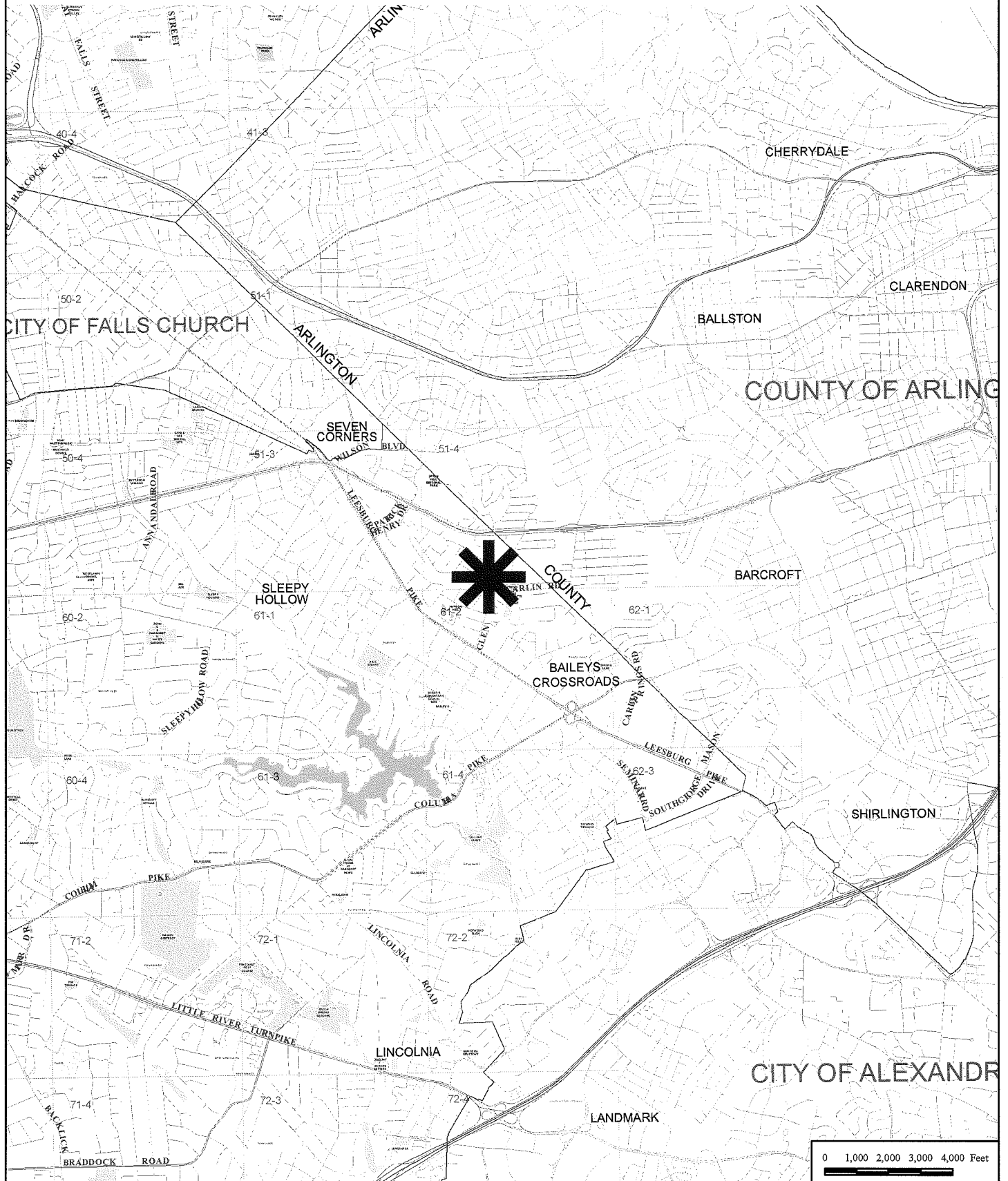


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 93-M -119-03

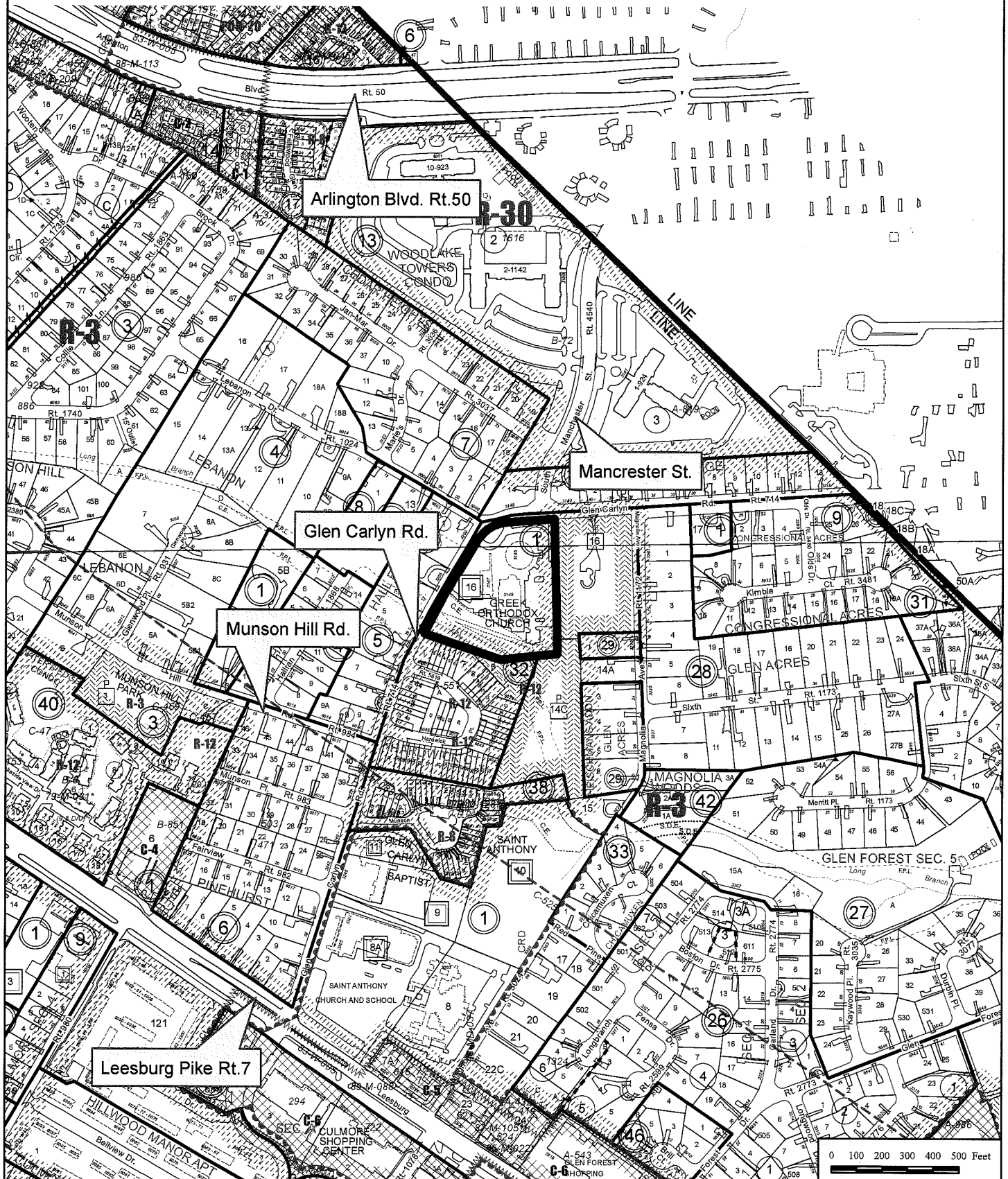
GREEK ORTHODOX CHURCH OF NORTHERN
VIRGINIA, TRUSTEES



Special Permit Amendment

SPA 93-M-119-03

GREEK ORTHODOX CHURCH OF NORTHERN
VIRGINIA, TRUSTEES



SPECIAL PERMIT REQUEST

The applicant requests an amendment to SP 93-M-119-02 for a church and nursery school to permit the addition of a private school of general education.

A copy of the special permit plat, titled "Special Permit Amendment Exhibit, St. Katherine's Greek Orthodox Church" prepared by Aaron M. Vinson of Walter L. Phillips, Inc., and dated June 18, 2014, is included in the front of the staff report.

A more detailed description of the request is included on page two.

A copy of the proposed development conditions, statement of justification, and affidavit are contained in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 4.43 acre subject property is located on Glen Carlyn Road, south of Arlington Boulevard and north of Leesburg Pike. The site is accessed via a driveway fronting Glen Carlyn Road, which leads to parking for the church and multipurpose buildings. The northern portion of the site contains the sanctuary, and two multipurpose buildings are located south of the sanctuary. The church contains 5,800 square feet and was constructed in 1968. The western multipurpose building contains 3,848 square feet and was constructed in 1964; the eastern multipurpose building is 17,227 square feet and was constructed in 2002. An emergency driveway accesses Glen Carlyn Road, and it is blocked by two "No Parking" chains. An existing playground is located in the southeastern corner of the property.

Long Branch stream and a 100 year floodplain runs along the southern portion of the site. In addition, an Environmental Quality Corridor (EQC) and a Resource Protection Area (RPA) exist in this area. The RPA extends approximately 125 feet into the site, and no construction or uses are present within the RPA lines. This area contains significant tree and vegetation cover, which also provides screening and buffering from adjacent properties.

The zoning and uses surrounding the subject property are as follows:

	Zoning	Use
North	R-3	Residential, Single Family Detached
East	R-3	Long Branch Stream Valley, Open Space
South	R-12	Residential, Single Family Attached
West	R-3	Residential, Single Family Detached

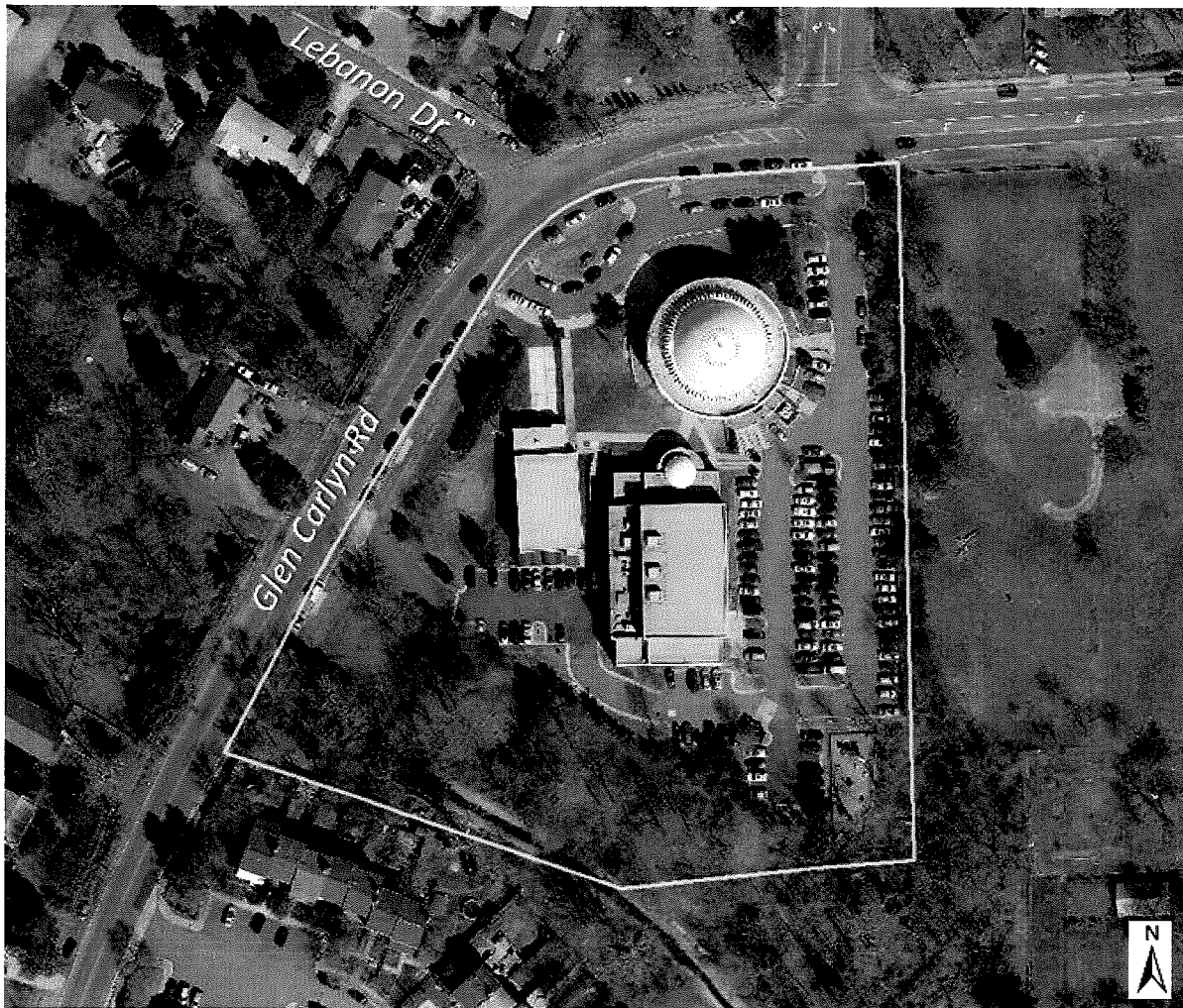


Figure 1: Site location

BACKGROUND AND HISTORY

The western multipurpose building was constructed in 1964, and it originally served as the worship area. In 1968, the existing sanctuary was constructed. Both of these buildings predate the Zoning Ordinance Amendment that required places of worship in R-3 Districts to obtain Special Permit approval.

On March 29, 1994, the Board of Zoning Appeals (BZA) approved SP 93-M-119 for St. Katherine's Greek Orthodox Church of Northern Virginia to allow construction of an additional 17,227 square foot eastern multipurpose building with an additional 37 parking spaces. A copy of the resolution and development conditions is included in Appendix 4.

On November 12, 2002, the BZA denied SPA 93-M-119 for St. Katherine's Greek

Orthodox Church, Trustees, to allow a child care center for up to 99 children and site modifications. A copy of the resolution is included in Appendix 5.

On February 19, 2007, the BZA approved SPA 93-M-119-02 to permit a nursery school for up to 80 children. A copy of the resolution and development conditions is include in Appendix 6.

An application package for this special permit amendment was received by the Zoning Evaluation Division on February 21, 2014 and accepted by the Zoning Evaluation Division on June 25, 2014.

DESCRIPTION OF THE APPLICATION REQUEST

The applicant is requesting approval of a special permit amendment previously approved for a church and nursery school to allow the addition of a private school of general education. The existing church is approved for 525 seats, and the nursery school is approved for up to 80 children. The request does not increase the overall enrollment of 80 students, but it does include year-round operation of the school, which differs from the previous approved timeframe of September to June. This year-round operation would allow for religious-based educational summer programs for the community.

The private school of general education would include grades K-3 and provide a bilingual (Greek-English) religious-based immersion program for students ages 2 to 5 years old. The current hours of operation are from 7:30 a.m. to 6:00 p.m. The church also facilitates activities on-site from 9:00 a.m. to 10:00 p.m., seven days a week. The existing nursery school has been approved for an enrollment of 80 children, although its current enrollment is 35 children. The applicant proposes to maintain a combined maximum enrollment of 80 children between the nursery school and the private school of general education. While there are currently 10 teachers and staff members for the nursery school, the applicant anticipates up to 15 teachers and staff as enrollment increases from the existing 35 children to the proposed 80 students.

The traffic patterns for the private school would be consistent with those of the previously approved nursery school, with drop-off of children between the hours of 6:30 a.m. and 8:00 a.m. and pick-up between 2:00 p.m. and 4:00 p.m.

Per the Zoning Ordinance, a parking space is required for every four seats in a place of worship; at 525 sanctuary seats, the required parking is 132 spaces. For up to 80 children enrolled in the school, there is a requirement of 16 spaces for the school use. Although the uses require a combined parking of 148 spaces, the church's existing 132 parking spaces are supplemented by a shared parking agreement. A condition has been included for the church to obtain a new shared parking agreement to account for the inclusion of an additional use.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Baileys Planning District
Planning Sector: Glen Forest Community Planning Sector (B2)
Plan Map: Residential 1-2 du/ac

ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 5)

- General Special Permit Standards (Sect. 8-006)
- Group 3 Standards (Sect. 8-303)
- Additional Standards for Churches, Chapels, Synagogues, or Other Such Places of Worship with a Child Care Center, Nursery School or Private School (Sect. 8-308)

General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. *The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.*

The Comprehensive Plan recommends residential and low-impact uses in this area. The existing church has been operating in this location for approximately 50 years, and the nursery school has been operating with the approved enrollment of 80 children and hours of operation since 2007. In staff's opinion, the addition of a private school use is in harmony with the intended uses in the adopted Comprehensive Plan.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The purpose and intent of the R-3 Zoning District is to promote single family detached dwellings and other selected uses that are compatible with the low density character of the district. In staff's opinion, the church and nursery / private school propose no additional impacts to the surrounding residential area, and the proposal is in harmony with the general purpose and intent of the applicable zoning districts.

3. *The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive*

plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

There are no exterior modifications or construction proposed, and existing buffering and landscaping will also remain as-is. The proposed private school of general education would allow school-aged children to participate in bilingual religious-based instruction. With the hours of operation and the enrollment remaining unchanged, this use continues to be in character with the neighboring properties and uses. Staff believes this application meets the above standard.

4. *The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

The applicant has worked with staff in previous applications to ensure that traffic impacts from the proposed use will not hinder the surrounding area. No changes to pedestrian or vehicular traffic have been proposed.

5. *In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.*

No trees will be removed as part of the change in development conditions. Adequate existing landscaping is located on the site. The applicant requests reaffirmation of the previous modification of the transitional screening and barrier requirements, as further discussed in the Waivers and Modifications section.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

The proposed change in development conditions will make no changes to the site and will not impact the existing open space on the property. The site provides 50% open space, which exceeds the minimum requirement of 15%. Therefore General Standard 6 has been met.

7. *Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.*

There is no new construction proposed in this application. No drainage is required for the change in development conditions. No changes to the existing utilities are proposed. With the continuation of the existing parking agreement amended for the additional use proposed, parking and loading are adequate for the uses as shown on the special permit amendment plat and as described above.

8. *Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.*

The BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance. Staff has proposed a development condition restating that the site is governed by the sign provisions of Article 12 and notes that the applicant has not requested an increase or modification to those requirements. As such, staff finds this standard has been satisfied.

With the approval and adoption of the proposed development conditions, the general standards for all have been met.

Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. *Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.*

No site modifications are requested, and all existing buildings meet the bulk regulations for an R-3 District as depicted in the table below.

R-3 DISTRICT BULK REGULATIONS	REQUIRED	PROVIDED
Lot Size	No requirement	4.43 acres
Lot Width	No requirement	Approximately 730 feet (Glen Carlyn Rd.)
Building Height	60 feet maximum	54 feet (church) 30 feet (eastern multipurpose building) 24 feet (western multipurpose building)
Front Yard	40° ABP but not less	58 feet (western multipurpose

R-3 DISTRICT BULK REGULATIONS	REQUIRED	PROVIDED
	than 30 feet	building)
Side Yard	35° ABP but not less than 10 feet	84 feet (church)
Rear Yard	35° ABP but not less than 25 feet	157 feet (eastern multipurpose building)
FAR	0.3, or 57,891 GFA	0.14 or 26,877 GFA
Parking		
Parking Spaces*	Church: 132 spaces Nursery / School: 16 spaces Total: 148 spaces	132 spaces

*The required parking for a place of worship is one space per four seats. At 525 sanctuary seats and 0.19 spaces per child enrolled in the school, the total required number of spaces is 148. The applicant is seeking a shared parking agreement.

2. *All uses shall comply with the performance standards specified for the zoning district in which located.*

This use does not have any increased effect on performance standards applicable to a place of worship and nursery school / private school of general education, specifically on noise or outdoor lighting. The use complies with the performance standards of Article 14, as required by the Zoning Ordinance.

3. *Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.*

With the approval and adoption of the proposed development conditions, the standards for all Group 3 uses have been met.

Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship With a Child Care Center, Nursery School or Private

School Churches

Places of worship with a child care center, nursery school or private school of general or special education may be approved as a special permit use in accordance with the provisions of this Part or as a special exception use in accordance with the provisions of Part 3 of Article 9. The choice of whether to file an application for a special permit or special exception is at the applicant's discretion. In either event, such use is subject to the additional standards set forth in Sections 9-309 (Child Care Centers and Nursery Schools) and 9-310 (Private Schools of General Education and Special Education).

Section 9-309 requires adequate outdoor play area, appropriate street types, and on-site drop-off and pick-up of children; with a large existing playground, access to Glen Carlyn Road, and on-site drop-off and pick-up of students, the existing nursery school use continues to meet the outlined criteria.

Section 9-310 further requires outdoor play area and minimum lot size for a private school of general education. As discussed above and as demonstrated on the Special Permit Amendment Plat, in staff's opinion, the new proposed use meets the standards.

WAIVERS/MODIFICATIONS REQUESTED

Transitional Screening and Barrier Requirement		
	Required	Provided
North (single family residential)	Transitional Screening Type 1 ¹	Approx. 5 to 45 ft. of existing deciduous vegetation and shrubs supplemented by evergreen trees and holly bushes*
	Barrier D, E, or F ²	None*
East (park)	Transitional Screening Type 1	Approx. 20 ft. of existing deciduous vegetation supplemented by evergreen trees for approx. 140 ft.; 5 to 8 ft. of existing mature vegetation and underbrush for the length of the parking lot; dense existing vegetation for the remainder of lot line*
	Barrier D, E, or F	Six foot high board on board wooden fence

Transitional Screening and Barrier Requirement		
	Required	Provided
West (single family residential)	Transitional Screening Type 1	Approx. 15 to 150 ft. of existing deciduous vegetation and shrubs supplemented by evergreen trees and holly bushes*
	Barrier D, E, or F	None*
South (single family residential)	Transitional Screening Type 1	Approx. 50 to 170 ft. of existing deciduous vegetation supplemented by evergreen trees and holly bushes*
	Barrier D, E, or F	None*

* Approved in conjunction with SP 93-M-119

1) Transitional Screening Type 1: 25 feet in width, planted with evergreen trees or a mixture of evergreen and deciduous trees.

2) Barrier D shall consist of a 42-48 inch chain link fence and may be required by the Director to have inserts in the fence fabric, to be coated, or to be supplemented by trees and/or shrubs. Barrier E shall consist of a 6 foot wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides as determined by the Director. Barrier F shall consist of a 6 foot high solid wood or otherwise architecturally solid fence.

Waiver/Modification: A reaffirmation of the modification of transitional screening and barrier requirements is requested along all lot lines, to permit existing vegetation supplemented by evergreen and holly plantings to satisfy the requirements and a waiver of the barrier requirements is requested along all lot lines except a portion of the eastern lot line, consistent with the previously approved Special Permit SP 93-M-119 and as shown on the Special Permit Amendment Plat.

Basis: Par. 3 of Sect. 13-304 states that transitional screening and barrier requirements may be waived or modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through the combination of architectural and landscaping techniques.

With approval of SP 93-M-119, transitional screening was modified on all lot lines to permit additional plantings in combination with existing, mature vegetation to satisfy the requirements. The barrier requirement was waived along all lot lines, except adjacent to the parking area along the western lot line.

The proposed application will not create additional parking or building additions. The nursery school and private school will continue to operate in the central area of the site and will not be immediately adjacent to residential uses. Staff therefore supports the continuation of the waiver and modifications previously approved by the BZA.

CONCLUSION

Staff believes that the request for the addition of a private school of general education to an existing church and nursery school is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SPA 93-M-119-03 subject to the Proposed Development Conditions in Appendix 1 of the staff report.

Staff recommends reaffirmation of a modification of the transitional screening and barrier requirements along all lot lines to permit existing vegetation as shown on the Special Permit Amendment Plat and as conditioned.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of a portion this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Site Photographs
3. Applicant's Affidavit
4. Approved Resolution for SP 93-M-119
5. Denied Resolution for SPA 93-M-119
6. Approved Resolution for SPA 93-M-119-02
7. 2011 Non-Residential Use Permit
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**November 26, 2014****SPA 93-M-119-3**

If it is the intent of the Board of Zoning Appeals to approve SPA 93-M-119-3 located at Tax Map 61-2 ((1)) 16 to amend SPA 93-M-119-02 previously approved for a church and nursery school to permit the addition of a private school of general education, pursuant to Sect. 3-303 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from previous special permits are marked with an asterisk. Minor edits have been made to these conditions to conform to current terminology. These edits have been underlined.

1. This approval is granted to the applicant only, Trustees of Greek Orthodox Church of Northern Virginia, AKA Saint Katherine Greek Orthodox Church, and is not transferable without further action of this Board, and is for the location indicated on the application, 3149 Glen Carlyn Road, and is not transferable to other land.*
2. This Special Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Aaron M. Vinson (Walter L. Phillips, Inc.), dated June 12, 2014, and approved with this application, as qualified by these development conditions.*
3. A copy of this special permit amendment and the new Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.*
4. This special permit amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.*
5. The maximum number of seats in the main area of worship shall be 525.*
6. All parking shall be on site as depicted on the Special Permit Amendment plat.*
7. Prior to the issuance of a Non-Residential Use Permit (Non-RUP) for the nursery school, the applicant shall obtain an approved shared parking agreement or parking reduction. If a shared parking agreement or parking reduction is not approved by DPWES, the number of seats in the sanctuary and/or the number of children in the nursery school / private school of general education shall be reduced to correspond

to a number that can be supported by the parking spaces provided on site as determined by DPWES.*

8. There shall be no clearing of vegetation or grading inside of the Environmental Quality Corridor line designated on the special permit plat except for the removal of dead and dying trees as determined by Urban Forest Management Division. There shall be no structures located in the EQC area.*
9. The existing play area shall be relocated outside of the Environmental Quality Corridor line / Resource Protection Area boundary, and in an area on site outside the minimum required front yard, transitional screening areas, and parking lot.*
10. Upon issuance of the new Non-Residential Use Permit for this special permit, the total maximum daily enrollment in the nursery school and private school of general education shall be limited to 80.*
11. The nursery school's / private school of general education's maximum hours of operation shall be 7:30 A.M. to 6:00 P.M., weekdays, year-round.*
12. A left turn lane shall be provided by striping the existing pavement at the entrance opposite South Manchester Street subject to the review and approval of the Department of Transportation.*
13. The applicant must meet the Department of Environmental Management's Water Management Ordinance and the Chesapeake Bay Preservation Ordinance.*
14. Transitional screening shall be maintained in accordance with the following: along the northern and western lot lines, existing vegetation shall be maintained between the lot lines and the existing buildings, and this shall be deemed to satisfy Transitional Screening 1. Along the southern lot line, the existing vegetation shall be maintained between the buildings and the northern bank of Long Branch, and this shall be deemed to satisfy Transitional Screening 1. Along the eastern lot line, plantings shall be maintained between the six foot high fence and the parking lot and driveway and this shall be deemed to satisfy Transitional Screening 1. Any dead and/or dying vegetation shall be replaced with vegetation of like kind and size.*
 - Along the northern and western lot lines, existing vegetation supplemented by plantings, to the maximum extent possible, that are placed between the lot lines and the existing and proposed buildings shall be deemed to satisfy Transitional Screening 1. The size, type and quantity of these plantings shall be equivalent to Transitional Screening 1.*
 - Along the southern lot line, the existing vegetation supplemented by plantings, to the maximum extent possible, that are placed between the building addition and the northern bank of Long Branch shall be deemed to satisfy Transitional Screening 1. The size, type, and quantity of these plantings shall be equivalent to Transitional Screening 1.*
 - Along the eastern lot line, supplemental plantings, to the maximum extent possible, shall be placed between the six (6) foot high fence and the parking lot and driveway and shall be deemed to satisfy Transitional Screening 1. *

15. Any proposed lighting of the parking areas shall be in accordance with the following:*
 - o The combined height of the light standards and fixtures shall not exceed twelve (12) feet.*
 - o The lights shall focus directly onto the subject property.*
 - o Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.*
16. All signage, both existing and proposed, shall satisfy requirements contained in Article 12 of the Zoning Ordinance.*

These conditions incorporate and supersede all previous conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**AN AMENDMENT TO SPA-M-119-02 PREVIOUSLY APPROVED FOR A CHURCH
AND NURSERY SCHOOL, TO ALLOW THE ADDITIONAL USE OF A SCHOOL OF
GENERAL EDUCATION (K-3), ALL WITH YEAR-ROUND OPERATION.**

STATEMENT OF JUSTIFICATION

Overview:

The Trustees of the Greek Orthodox Church of Northern Virginia (hereinafter "St. Katherine") is requesting an amendment to the previously approved SPA-93-M-119-02, which allowed for a Nursery School in addition to the previously approved church and related uses originally approved in SP-93-M-119. Since the approval of the Nursery School in 2007, St. Katherine has established and operated its Nursery School to the benefit of its community that has expressed a demand for a bilingual (Greek-English), religious-based immersion program for students aged 2 to 5 years old. Based on the early success of this program, there is now demand amongst the parents of the Nursery School students to continue the program to extend the program to include Kindergarten. St. Katherine believes that asking for the inclusion of a Private School of General Education to include grades K-3, not only addresses the short term needs of these parents but will allow the program to one day expand to service the needs of early elementary school students who would see the greatest benefit from a bilingual immersion program, further supplementing the benefit of and enrollment in St. Katherine's long-established Friday afternoon/Saturday morning Greek Language School. St. Katherine is also asking for an amendment to permit year-round operation for both the Nursery School and the Private School of General Education, as the Nursery School is currently losing students whose parents are interested in continuing bilingual, religious-based education over the summer to other summer programs. St. Katherine believes there would be a demand for summer programs amongst this early school-aged population.

A. Type of Operation

Nursery School / Private School of General Education (K-3)

St. Katherine will be providing members of its community – and the community at large – the opportunity to have their children of early elementary school age attend a religious-based K-3 program with a focus on learning both the Greek language and the Greek Orthodox faith. This program will be a continuation of the previously-approved nursery school program currently operating at the Premises.

St. Katherine currently operates its existing church and related facilities and a nursery school program as approved in SP-93-M-119 and SPA-93-M-119-02.

B. Hours of Operation

St. Katherine's nursery school currently operates on weekdays between the hours of 7:30 AM to 6:00 P.M. during a school year of September through June pursuant to SPA 93-M-119-02.

With the expansion of the school to include kindergarten and eventually K-3 instruction, St. Katherine is asking for an amendment to its current Special Permit to allow year-round operation to accommodate the need for summer programs amongst this young student population. Religious-based instruction will be conducted during the applicable portion of those hours with the remaining hours devoted to general instruction.

In addition to the existing nursery school use described above, St. Katherine's currently facilitates activities on the site as described in SP-93-M-119 seven days a week between the hours of approximately 9:00 A.M. to 10:00 P.M. including Sunday morning liturgy, Greek language school on Saturday mornings and weekday nights and Athletic and Social events in the evenings.

St. Katherine's K-3 instruction will not conflict with any other significant existing use on the property given its hours of operation on weekday mornings and afternoons that complement the existing nursery school use.

C. Estimated Number of Pupils

Based on the current and anticipated needs of St. Katherine's community, it is estimated that the enrollment of the existing nursery school and the new K-3 program may eventually reach the previously approved 80 children for the nursery school, such enrollment being consistent with the accommodations on the site and with the Commonwealth of Virginia's licensing standards for this use. (Enrollment in the nursery school program currently stands at approximately 35 students.) In keeping with future needs and to accommodate the proposed K-3 expansion, the Applicant is proposing keeping the maximum daily combined enrollment of the nursery school and K-3 at 80 students at this time.

St. Katherine's Church currently maintains 525 seats in the main area of worship. As mentioned above, church services will not conflict with this proposed nursery school use.

D. Proposed Number of Teachers

The existing nursery school currently employs approximately 10 staff and anticipates up to 15 teachers/staff persons being required in keeping with the Commonwealth of Virginia's licensing standards for this use in the event that K-3 is added.

St. Katherine's Church currently has approximately five full-time staff members during normal business hours.

E. Estimate of Traffic Impact

With the hours of operation as set forth above, the anticipated traffic will occur in the early morning hours and early to mid afternoon, with parents dropping off their children during the hours of 6:30 A.M. to 8:00 A.M., and picking them up between the hours of 2:00 P.M. to 4:00 P.M, with a limited number of students being picked up later. The maximum number of trips will coincide with the number of students enrolled, with one trip in the morning and one in

the afternoon. This total is given without assuming carpooling or multiple child households, which would necessarily lessen the number of trips. The addition of the proposed K-3 use will not significantly impact the traffic beyond the existing nursery school traffic.

This additional K-3 traffic, like the existing nursery school traffic, will not interfere with the existing church traffic for Sunday morning or occasional evening services.

F. Vicinity of General Area to be Served by the Use

St. Katherine's nursery school and K-3 program will be located on the grounds of St. Katherine Greek Orthodox Church, located on Glen Carlyn Road between Routes 7 & 50. Located in the Mason District in an R-3 District, St. Katherine is bounded by single family detached dwellings to the north and west, a large, approximately seven-acre, lot on the east and Long Branch Stream to the south. St. Katherine's K-3 program, like the existing nursery school program, will serve a limited number of families of St. Katherine's community and others with young children throughout Fairfax County that decide to extend their children's education beyond the current nursery school program who can incorporate a trip to St. Katherine's as a part of their morning/afternoon commute.

G. Description of building façade and architecture of proposed new building or additions.

The expanded K-3 program will be housed in the existing larger multi-use facility approved in SP-93-M-119, where the existing nursery school has been approved to operate per SPA 93-M-119-02. There are no proposed new buildings or additions.

H. Hazardous and Toxic Substances

There are no hazardous or toxic substances on the site or associated with this use.

I. Statement of Conformity

Applicable regulations: 8-006, 8-303, 8-308 (9-309, 9-310)

8-006 General Standards

As an amendment to SP-93-M-119 / SPA 93-M-119-02 with no new addition or alteration to the site, this proposed K-3 and nursery school is in harmony with the adopted comprehensive plan, zoning district regulations, and will not adversely affect the use or development of neighboring properties. The only General Standard affected by this proposed use is that of traffic. The proposed use will slightly increase the vehicular traffic associated with the site, but this will not be hazardous nor will it conflict with the existing or anticipated traffic in the neighborhood, particularly in the afternoon when pick up of children will occur before rush hour traffic.

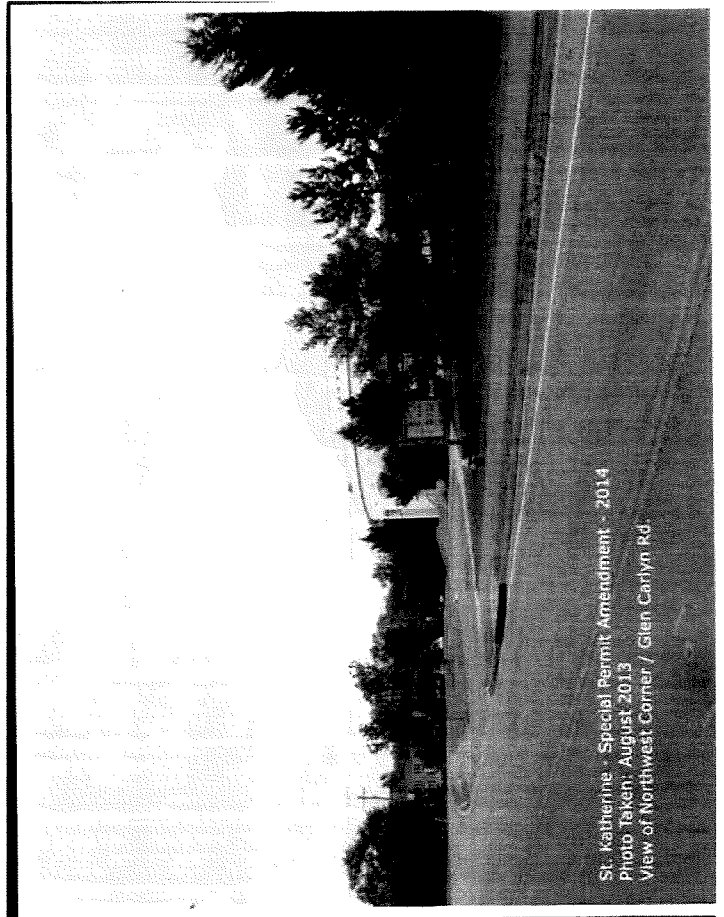
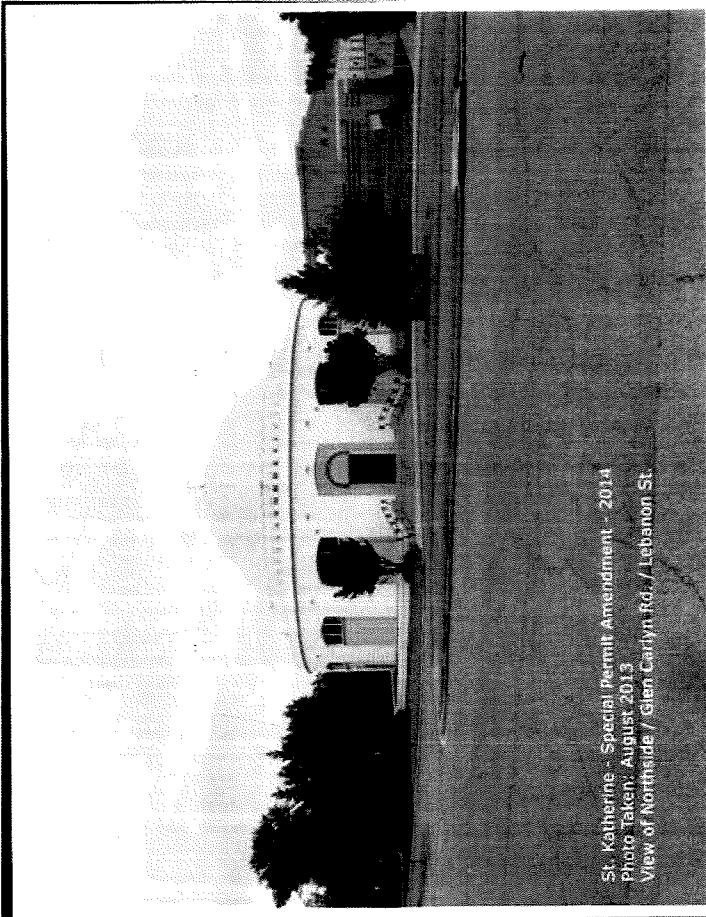
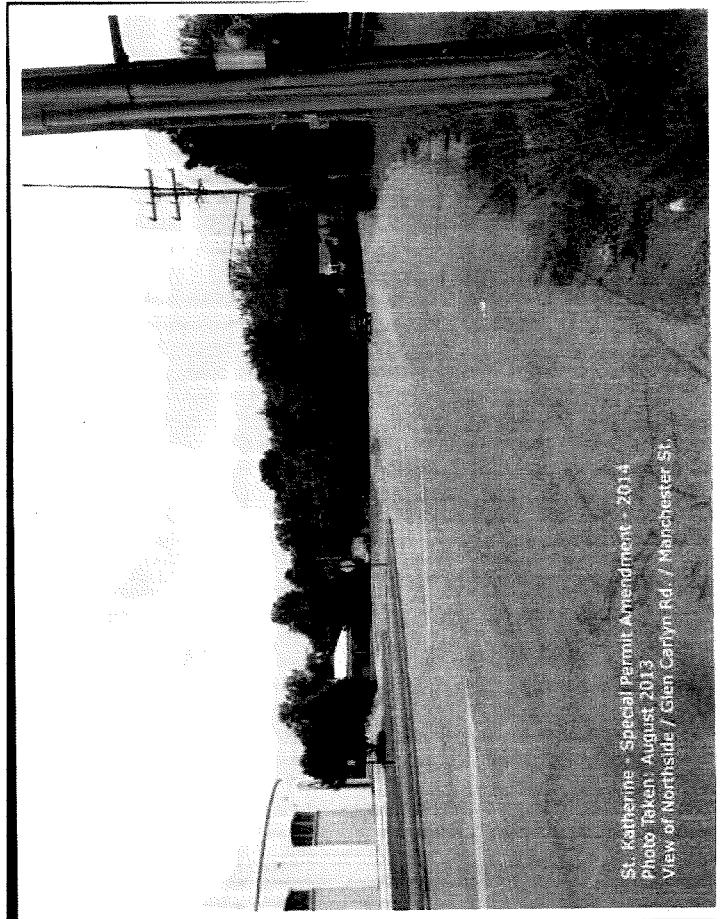
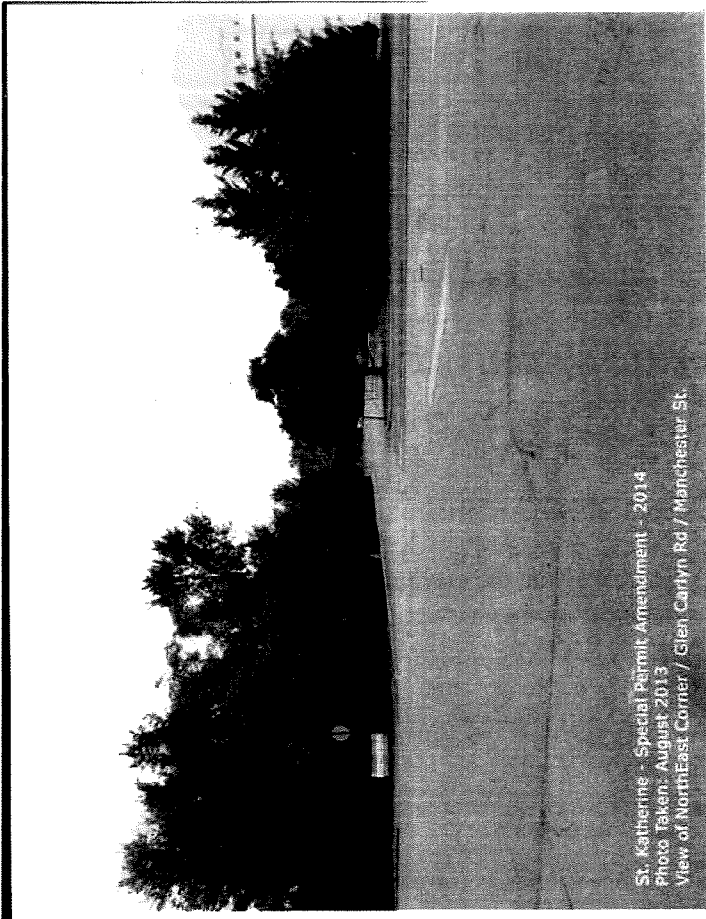
8-303 Standards for all Group 3 Uses

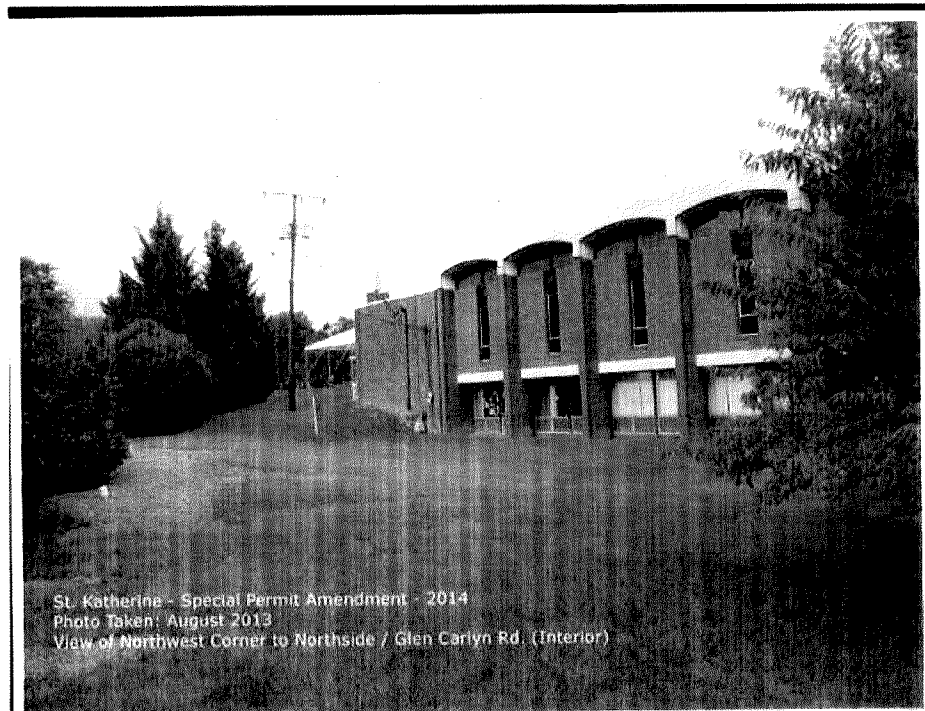
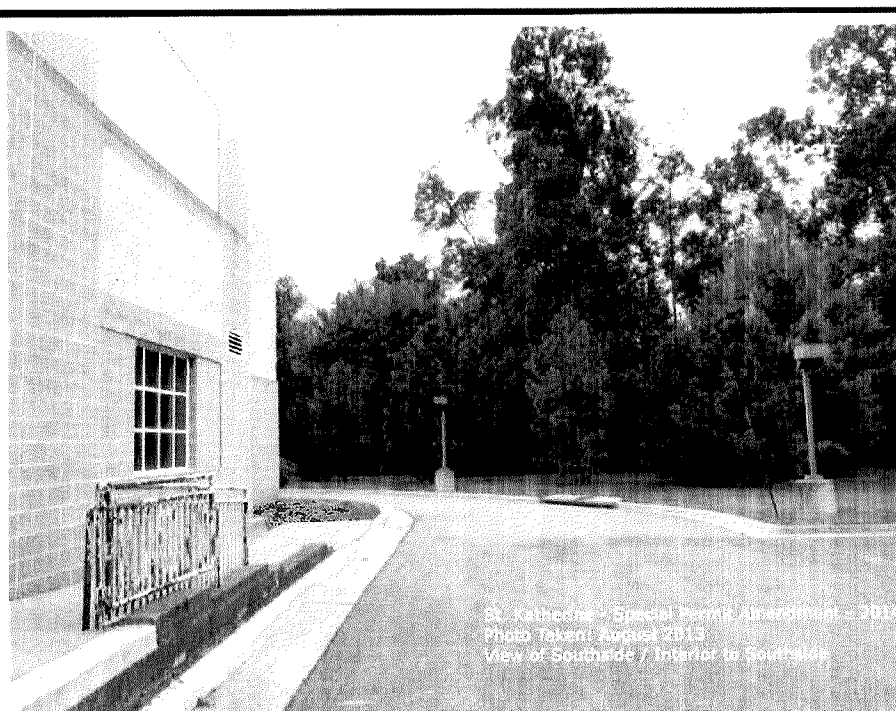
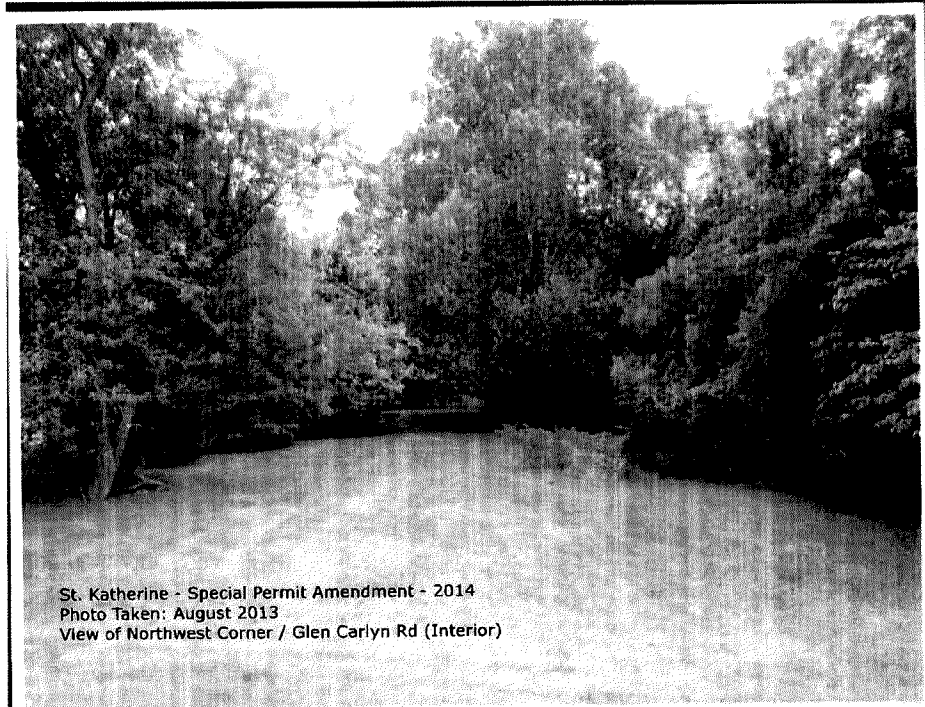
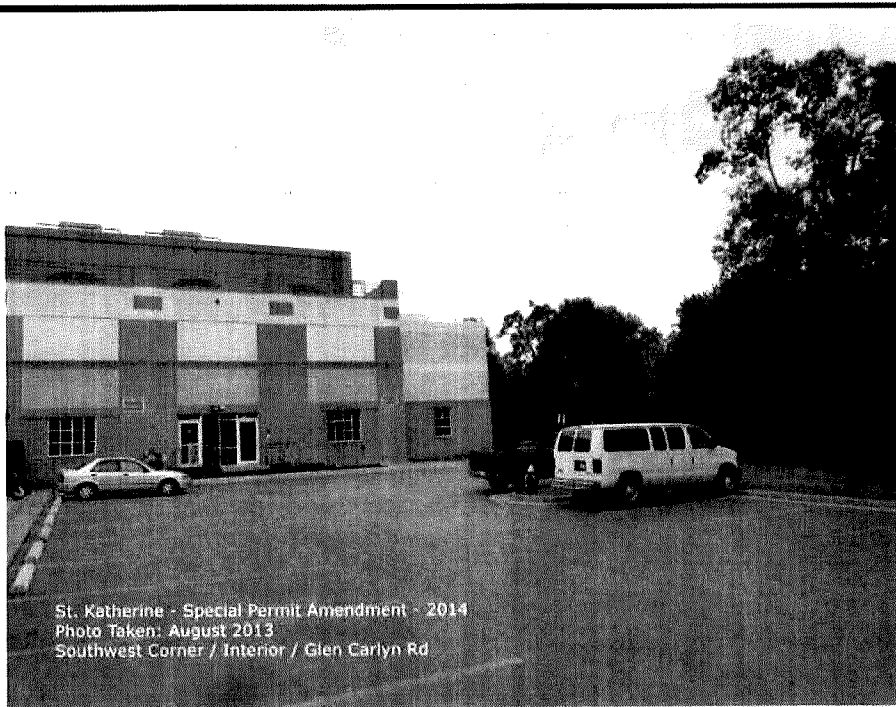
This proposed use will comply with these regulations as SP-93-M-119 and SPA 93-M-119-02 has complied with these regulations.

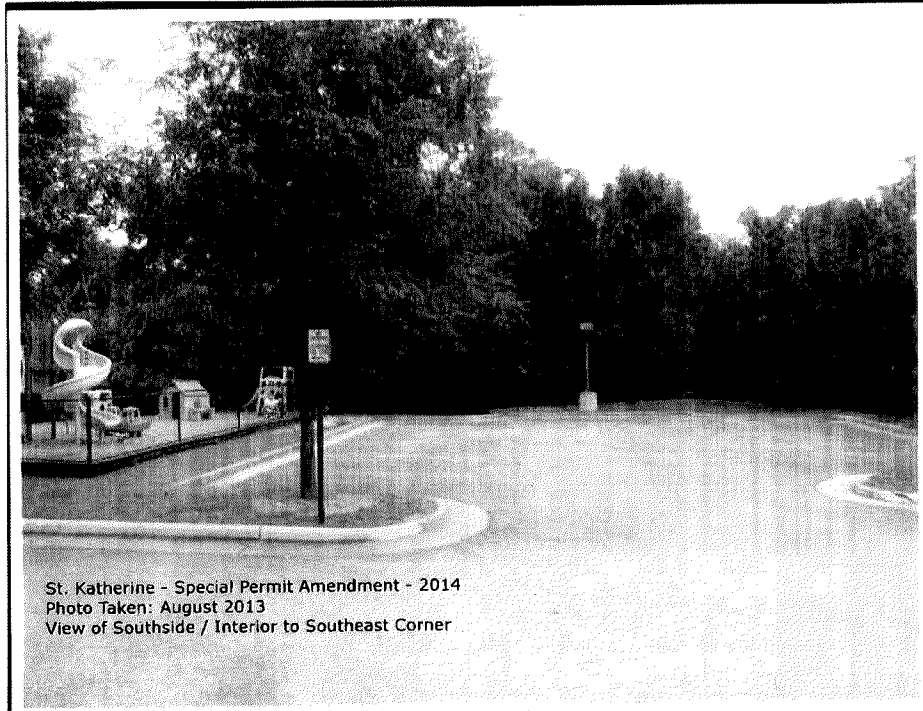
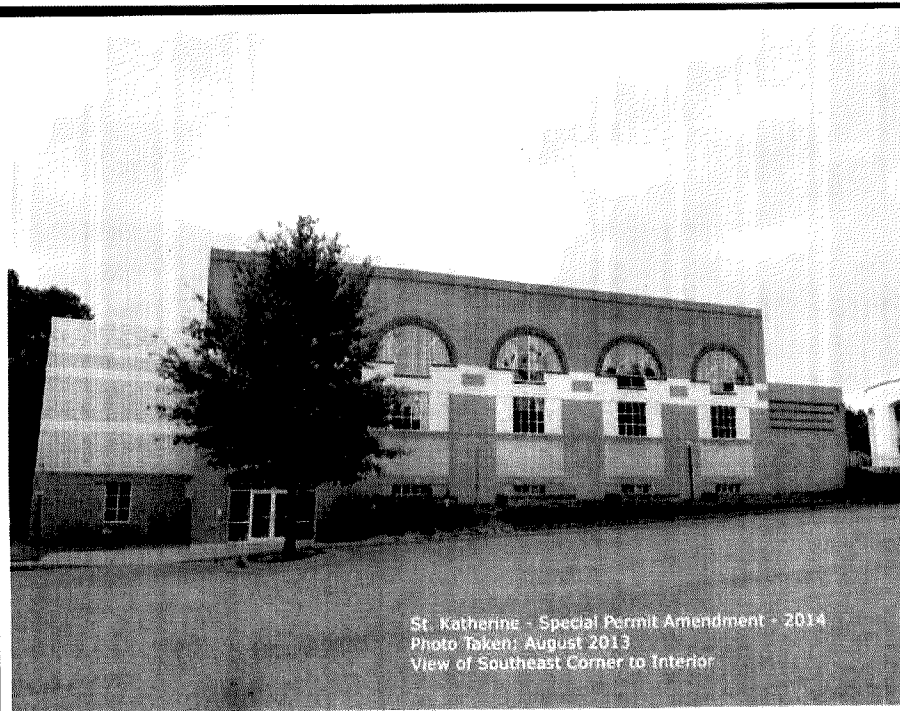
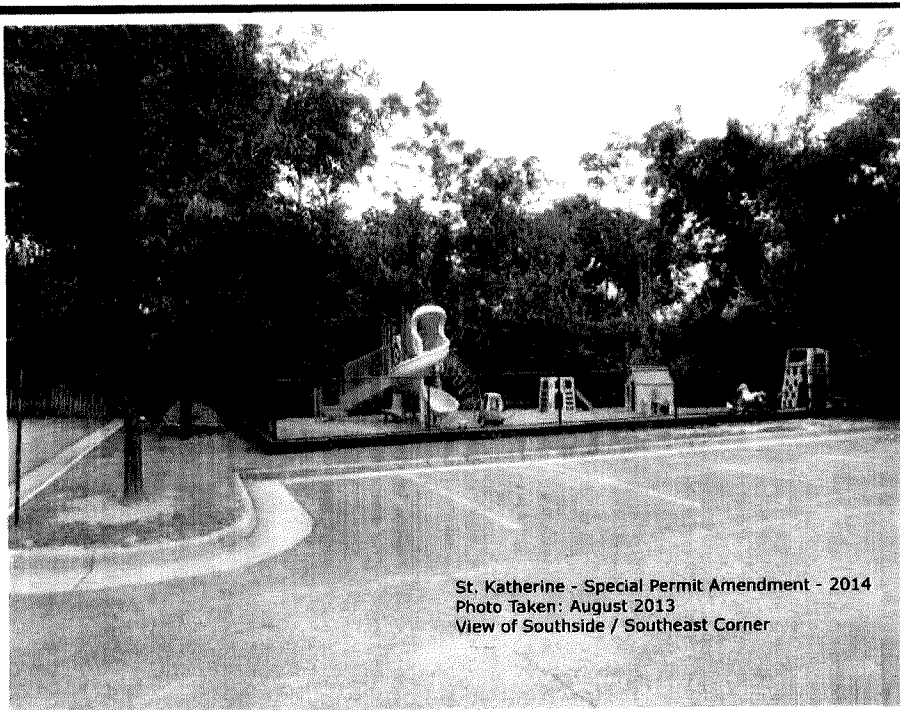
8-308 Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship

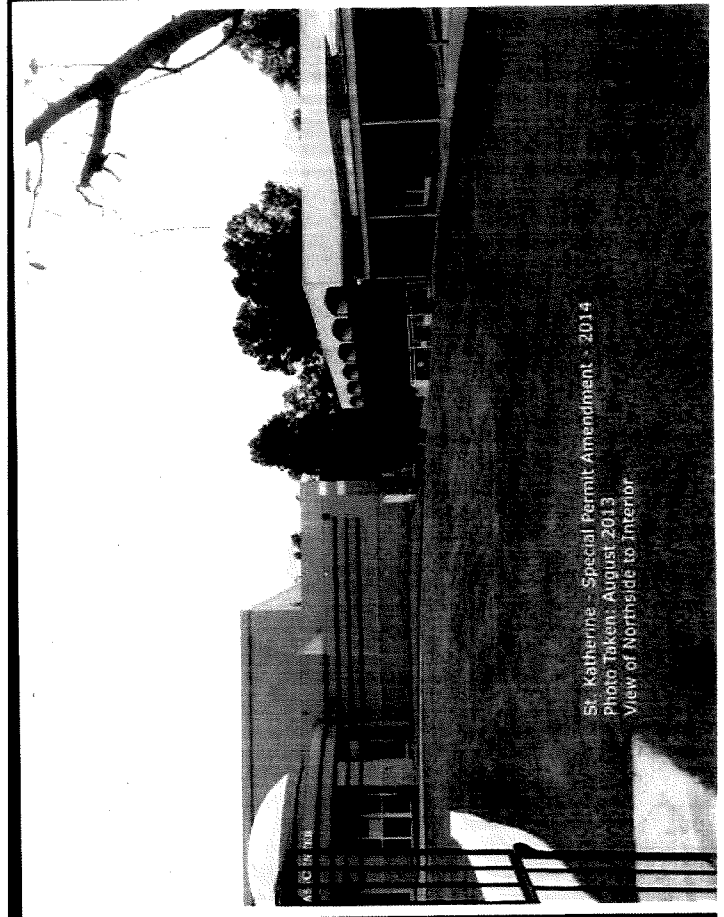
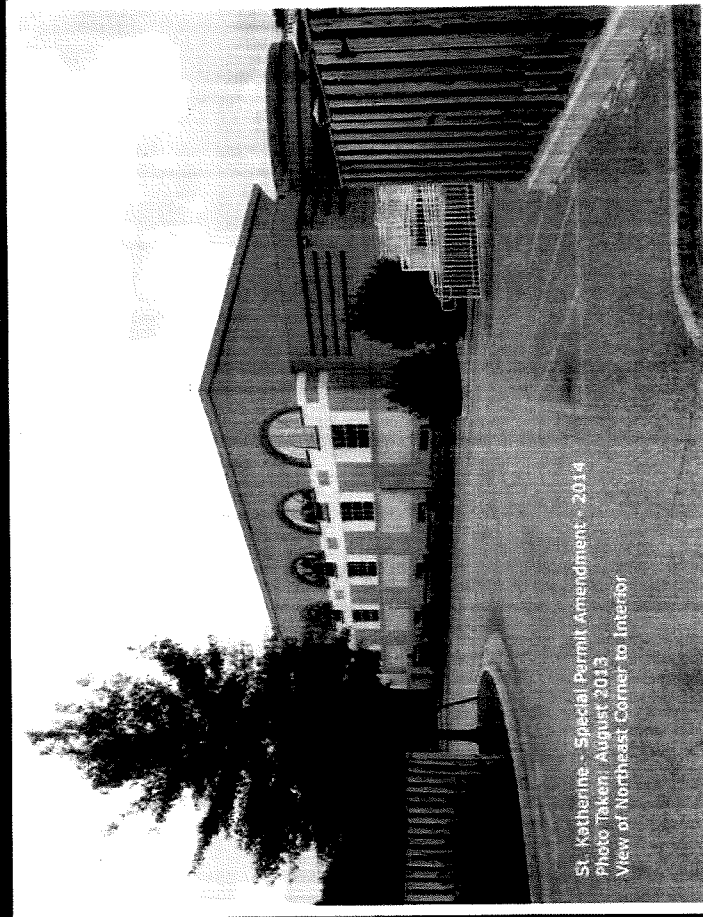
Section 8-308 refers to 9-309 and 9-310 based on the specific child care or school use that is proposed. This nursery school complies with 9-309 as the site has a minimum lot area to allow 100 square feet of usable outdoor recreation area for each child that may use the space at any one time and the K-3 program will have the 200 square feet of usable outdoor recreation required per 9-310. St. Katherine's site already has an established playground area, established pursuant to SPA-93-M-119-02, which will serve the purposes called for by the regulation. The playground is in the rear of the site, which at approximately 2,500 square feet occupies less than eighty (80) percent of the combined total areas of the required rear and side yards. The site also provides direct access to an existing public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular access and pick-up and delivery of all the persons on the site. This use will be subject to Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia.

*** Please note that the existing church and any other uses as approved under Special Permit SP-93-M-119 have not changed. Please refer to SP-93-M-119 for information on these uses. Also, please note that an existing nursery school use for up to 80 students was approved and has been established pursuant to SPA-93-M-119-02.**









THE ATTACHED AFFIDAVIT
HAS NOT BEEN APPROVED
BY THE OFFICE OF THE COUNTY ATTORNEY

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 23, 2014
(enter date affidavit is notarized)

I, Aristotelis A. Chronis, Esq., do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ Applicant
 ☒ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Trustees of Greek Orthodox Church of Northern Virginia	St. Katherine Greek Orthodox Church 3149 Glen Carlyn Rd. Falls Church, VA 22041	Applicant/Title Owner
Michael E.K. Mpras, Trustee	7303 Ivycrest Pl. Annandale, VA 22003	
Craig N. Thomas, Trustee	6854 Williamsburg Pond Court Falls Church, VA 22043	
Aristotelis A. Chronis, Esq.	c/o Chronis, LLC 1145 N. Vernon St. Arlington, VA 22201	Attorney/Agent

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 23, 2014
 (enter date affidavit is notarized)

- 1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Chronis, LLC
 1145 N. Vernon St.
 Arlington, VA 22201

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Aristotelis A. Chronis
 1145 N. Vernon St.
 Arlington, VA 22201

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 23, 2014
 (enter date affidavit is notarized)

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 23, 2014
 (enter date affidavit is notarized)

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE.

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 23, 2014
 (enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on line below.)

NONE

(**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

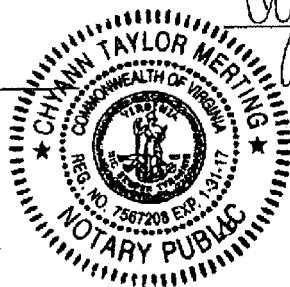
☒ Applicant's Authorized Agent

Aristotelis A. Chronis, Esq.

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23rd day of September 2014, in the State/Comm. of Virginia, County/City of Arlington.

My commission expires: 11/31/17



Chyann RUK
 Notary Public

commissioned
 as
 chyann merting



FAIRFAX COUNTY

APPENDIX 4

OFFICE OF COMPREHENSIVE PLANNING
Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

V I R G I N I A

(703) 324-1280

Fax 324-3924

April 6, 1994

Cyros G. Merkezas, Architect
ARCHETYPE
1841 Columbia Road, N.W.
Suite 202
Washington, D.C. 20009

Re: Special Permit Application SP 93-M-119
ST. KATHERINE'S GREEK ORTHODOX CHURCH OF NORTHERN VIRGINIA

Dear Mr. Merkezas:

At its March 29, 1994 meeting, the Board of Zoning Appeals took action to **GRANT** the above-referenced application. The final approval date is April 6, 1994. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 324-1550.

Sincerely,

Betsy S. Hurtt, Clerk
Board of Zoning Appeals

Enclosure: As Stated

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

In Special Permit Application SP 93-M-119 by ST. KATHERINE'S GREEK ORTHODOX CHURCH OF NORTHERN VIRGINIA, under Section 3-303 of the Zoning Ordinance to permit church and related facilities, on property located at 3149 Glen Carlyn Road, Tax Map Reference 61-2((1))16, Mrs. Thonen moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 29, 1994; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 4.42 acres.
4. The environment may not be hurt as much with the proposed building if all the landscaping and the grading is added; and, if the dead trees are removed and the vegetation is upgraded, it will help with the noise impact
6. Staff has done a very good job in resolving the issues.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Section 8-303 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **GRANTED** with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Donald F. Mori, Inc. dated October, 1993 and revised through February 15, 1994 and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Permit is subject to the provisions of Article 17, Site Plans. If required by the Director, Department of Environmental Management, any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat and these development conditions.
5. The maximum number of seats in for the main area of worship shall be 525.
6. There shall be a 132 parking spaces provided and all parking shall be on site and as shown on the Special Permit Plat.

7. There shall be no clearing of vegetation or grading inside of the EQC line designated on the special permit plat except for the removal of dead and dying trees as determined by the Urban Forestry Branch. There shall be no structures located in the EQC area.
8. The Board of Zoning Appeals has no objections to the intrusion of a portion of the building into the RPA, but will leave the final decision to the Department of Environmental Management.
9. The applicant must meet the Department of Environmental Management's Water Management Ordinance and the Chesapeake Bay Preservation Ordinance.
10. Transitional screening shall be provided in accordance with the following: The size, type and quantity of all plantings, except along the eastern lot lines, shall be shown on a landscaping plan and approved by the Urban Forestry Branch, DEM. The quantity, size and type of these plantings shall be equivalent to Transitional Screening 1. The purpose of these plantings is to provide to the maximum extent possible screening which will soften the visual impact of the structures on the surrounding residential community.
 - Along the northern and western lot lines, existing vegetation supplemented by plantings, to the maximum extent possible, that are placed between the lot lines and the existing and proposed buildings shall be deemed to satisfy Transitional Screening 1. The size, type and quantity of these plantings shall be equivalent to Transitional Screening 1.
 - Along the southern lot line, the existing vegetation supplemented by plantings, to the maximum extent possible, that are placed between the proposed building addition and the northern bank of Long Branch shall be deemed to satisfy Transitional Screening 1. The size, type and quantity of these plantings shall be equivalent to Transitional Screening 1.
 - Along the eastern lot line, supplemental plantings, to the maximum extent possible, shall be placed between the six (6) foot high fence and the parking lot and driveway and shall be deemed to satisfy Transitional Screening 1.
11. The barrier requirement shall be waived along all lot lines, except the eastern lot line. A six foot high wooden fence shall be placed adjacent to the eastern lot line and supplemental plantings provided as stated above.
12. Any proposed lighting of the parking areas shall be in accordance with the following:
 - The combined height of the light standards and fixtures shall not exceed twelve (12) feet.
 - The lights shall focus directly onto the subject property.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.

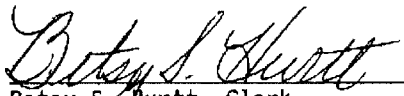
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

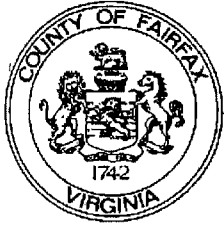
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval* unless the uses have been established and have been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Kelley seconded the motion which carried by a vote of 7-0.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on April 6, 1994. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:


Betsy S. Hurtt, Clerk
Board of Zoning Appeals



FAIRFAX
COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5510

(703) 324-1280

Fax (703) 324-3924

V I R G I N I A

November 20, 2002

Shawn Lord
The Rainbow Academy, L.L.C.
46018 Grammercy Terrace
Sterling, Virginia 20166

Re: Special Permit Amendment Application SPA 93-M-119
Rainbow Academy LLC and St. Katherine's Greek Orthodox Church Trustees

Dear Mr. Lord:

At its November 12, 2002 meeting, the Board of Zoning Appeals took action to **DENY** the above-referenced application. The final decision date is November 20, 2002. A copy of the Resolution is attached.

Sincerely,

Lori Mallam, Deputy Clerk
Board of Zoning Appeals

Enclosure: As stated

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

RAINBOW ACADEMY LLC AND ST. KATHERINE'S GREEK ORTHODOX CHURCH, TRUSTEES, SPA 93-M-119 Appl. under Sect(s). 3-303 of the Zoning Ordinance to amend SP 93-M-119 previously approved for a church and related facilities to permit child care center and site modifications. Located at 3149 Glen Carlyn Rd. on approx. 4.43 ac. of land zoned R-3. Mason District. Tax Map 61-2 ((1)) 16. (Cont'd from 9/10/02) Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on November 12, 2002; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. There are several problems with the application that cannot be solved to the satisfaction of the Board.
3. The issues surrounding the playground were unclear.
4. The applicant's testimony regarding why the trash pickup would not be on a daily basis was not satisfactory.
5. The applicant's testimony regarding access to the location on the site designated for the drop off of students was not satisfactory.
6. The neighbors' complaints regarding traffic concerns were justified.
7. The proposed application would further commercialize and adversely affect the residential character of the neighborhood.
8. The proposed application would implement a 4-way intersection at an intersection that was already very heavily traveled.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has not presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 3-303 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.

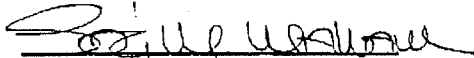
Mr. Pammel seconded the motion which carried by a vote of 5-0. Ms. Gibb was absent from the meeting and Mr. Hammack was not present for the vote.

RAINBOW ACADEMY LLC AND ST. KATHERINE'S GREEK ORTHODOX CHURCH, TRUSTEES,
SPA 93-M-119

Page 2

This decision was officially filed in the office of the Board of Zoning Appeals and became final on November 20, 2002.

A Copy Teste:


Lori M. Mallam, Deputy Clerk
Board of Zoning Appeals



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

February 22, 2007

Aristotelis A. Chronis, Esquire
Lawson, Tarter & Charvet, P.C.
6045 Wilson Boulevard
Suite 100
Arlington, Virginia 22205

Re: Special Permit Amendment Application SPA 93-M-119-02
Greek Orthodox Church of Northern Virginia, Trustees

Dear Mr. Chronis:

At its February 13, 2007 meeting, the Board of Zoning Appeals took action to **APPROVE** the above-referenced application. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,


Shannon M. Keane, Deputy Clerk
Board of Zoning Appeals

Enclosure: As stated

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

GREEK ORTHODOX CHURCH OF NORTHERN VIRGINIA, TRUSTEES, SPA 93-M-119-02 Appl. under Sect(s). 3-303 of the Zoning Ordinance to amend SP 93-M-119 previously approved for church and related facilities to permit nursery school. Located at 3149 Glen Carlyn Rd. on approx. 4.43 ac. of land zoned R-3. Mason District. Tax Map 81-2 ((1)) 16. (Decision deferred from 11/7/06) Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 13, 2007; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 3-303 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Greek Orthodox Church of Northern Virginia, Trustees; and is not transferable without further action of this Board, and is for the location indicated on the application, 3149 Glen Carlyn Road, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Charles F. Dunlap (Walter L. Phillips, Inc.) dated June 4, 2002, revised through February 6, 2007, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum number of seats in the main area of worship shall be 525.
6. All parking shall be on-site, as depicted on the special permit plat.

7. Prior to the issuance of a Non-RUP for the nursery school, the applicant shall obtain an approved shared parking agreement or parking reduction. If a shared parking agreement or parking reduction is NOT approved by DPWES, the number of seats in the sanctuary and/or the number of children in the nursery school shall be reduced to correspond to a number that can be supported by the parking spaces provided on site as determined by DPWES.
8. There shall be no clearing of vegetation or grading inside of the EQC line designated on the special permit plat except for the removal of dead and dying trees as determined by Urban Forest Management. There shall be no structures located in the EQC area.
9. The existing play area shall be relocated outside of the EQC/RPA boundary, and in an area on site outside the minimum required front yard, transitional screening areas, and parking lot.
10. Upon issuance of the new Non-RUP for this special permit, the total maximum daily enrollment in the nursery school shall be limited to 80.
11. The nursery school's maximum hours of operation shall be 7:30 A.M. to 6:00 P.M., weekdays, between the months of September and June.
12. A left turn lane shall be provided by striping the existing pavement at the entrance opposite South Manchester Street subject to the review and approval of the Department of Transportation.
13. The applicant must meet the Department of Environmental Management's Water Management Ordinance and the Chesapeake Bay Preservation Ordinance.
14. Transitional screening shall be maintained in accordance with the following: along the northern and western lot lines, existing vegetation shall be maintained between the lot lines and the existing buildings, and this shall be deemed to satisfy Transitional Screening 1. Along the southern lot line, the existing vegetation shall be maintained between the buildings and the northern bank of Long Branch, and this shall be deemed to satisfy Transitional Screening 1. Along the eastern lot line, plantings shall be maintained between the six foot high fence and the parking lot and driveway and this shall be deemed to satisfy Transitional Screening 1. Any dead and/or dying vegetation shall be replaced with vegetation of like kind and size.
 - Along the northern and western lot lines, existing vegetation supplemented by plantings, to the maximum extent possible, that are placed between the lot lines and the existing and proposed buildings shall be deemed to satisfy Transitional Screening 1. The size, type and quantity of these plantings shall be equivalent to Transitional Screening 1.
 - Along the southern lot line, the existing vegetation supplemented by plantings, to the maximum extent possible, that are placed between the building addition and the northern bank of Long Branch shall be deemed to satisfy Transitional Screening 1. The size, type, and quantity of these plantings shall be equivalent to Transitional Screening 1.
 - Along the eastern lot line, supplemental plantings, to the maximum extent possible, shall be placed between the six (6) foot high fence and the parking lot and driveway and shall be deemed to satisfy Transitional Screening 1.

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15. Any proposed lighting of the parking areas shall be in accordance with the following:
 - The combined height of the light standards and fixtures shall not exceed twelve (12) feet.
 - The lights shall focus directly onto the subject property.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
16. All signage, both existing and proposed, shall satisfy requirements contained in Article 12 of the Zoning Ordinance.

These conditions incorporate and supersede all previous conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

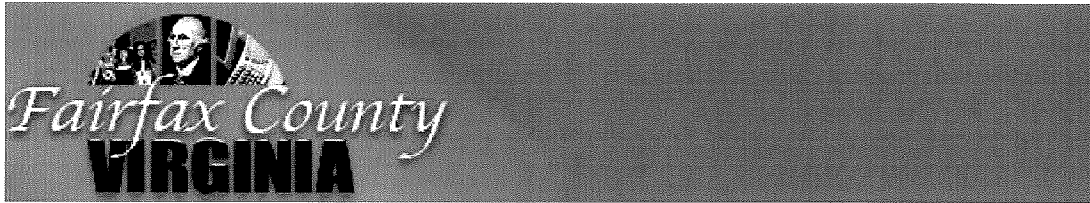
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established. The Board of Zoning Appeals may grant additional time if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Hart seconded the motion, which carried by a vote of 6-0. Mr. Hammack was absent from the meeting.

A Copy Teste:



Shannon M. Keane, Deputy Clerk
Board of Zoning Appeals

**Land Development Information History: FIDO - NON-RUP - 111720240****Permit Information**

Permit Number: 111720240
Permit Type: NON-RESIDENTIAL USE PERMIT
Job Address: 003149 GLEN CARLYN RD
FALLS CHURCH, VA 22041-0000
Magisterial District: MASON
AP (Tenant) Name: ST KATHERINE CHURCH
Tax Map: 061-2 ((01)) 0016
Permit Status: Application Closed

Work Description: Place of worship & nursery school

Review - ZPRBNONRUP - ZPRB NON-RUP REVIEW - 2029989

Review Type	Review Date	Reviewer	Started	Status
ZPRBNONRUP	2011-06-21	TONY MOORE	Y	Approved

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-308 Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship with a Child Care Center, Nursery School or Private School

Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education may be approved as a special permit use in accordance with the provisions of this Part or as a special exception use in accordance with the provisions of Part 3 of Article 9. The choice of whether to file an application for a special permit or special exception shall be at the applicant's discretion. In either event, such use shall be subject to the additional standards set forth in Sections 9-309 and 9-310.

9-309 Additional Standards for Child Care Centers and Nursery Schools

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
 - B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.
 - C. Only that area which is developable for active outdoor recreation purposes.
 - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

Number of Persons	Street Type
1-75	Local
76-660	Collector
660 or more	Arterial

3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.
4. Such use shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

9-310 Additional Standards for Private Schools of General Education and Private Schools of Special Education

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:
 - A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and
 - B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
 - B. That area outside the limits of the required front yard.
 - C. Only that area which is developable for active outdoor recreation purposes.
 - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school of special education shall be based upon a determination made by the Board; provided, however, that the proposed use conforms with the provisions set forth in Sect. 304 above.
3. All private schools shall be subject to the provisions set forth in Par. 2 and 3 of Sect. 309 above. If applicable, such uses shall also be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.